

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERTS IRRIGATION COMPANY, INC.,

Plaintiff,

v.

Case No: 16-CV-28

HORTAU CORP. and
HORTAU, INC.,

Defendants.

DEFENDANTS' MOTION TO DISMISS OR COMPEL ARBITRATION

Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, and the Federal Arbitration Act, 9 U.S.C. §§ 3 & 4, Defendants Hortau, Inc. and Hortau Corp., by their attorneys, Boardman & Clark LLP, move to dismiss this action, or alternatively to stay this action and order plaintiff to submit its claims to arbitration under the auspices of the Canadian Commercial Arbitration Center, on the grounds that: plaintiff's claims are subject to a mandatory arbitration agreement providing that the forum for any disputes be the Canadian Commercial Arbitration Center, and that the parties' agreement be governed by the laws of Quebec, Canada; the Court otherwise lacks personal jurisdiction over the Defendants regarding any claims not governed by such agreement; and the action should be dismissed under the doctrine of forum non conveniens in favor of litigating in Quebec, Canada, which law governs the alleged contract claims.

The rationale for this motion, which is submitted in lieu of answer pursuant to Rule 12(b), is further detailed in the brief filed today on behalf of Defendants.

WHEREFORE, defendants Hortau, Inc. and Hortau Corp. respectfully urge the Court to dismiss this action, or alternatively to stay this action and order plaintiff to submit its claims to

arbitration, for lack of subject matter or personal jurisdiction, improper forum, and failure to state upon which relief can be granted.

Dated: March 28, 2016

BOARDMAN & CLARK LLP

/s/ Eric A. Baker

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Attorneys for Defendants Hortau Corp. and Hortau, Inc.

CERTIFICATE OF SERVICE

I, Eric A. Baker, hereby certify that on March 28, 2016, I caused to be electronically filed Defendants' Motion to Dismiss or Compel Arbitration with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Eric A. Baker

Eric A. Baker

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